United States District Court Southern District of Texas

ENTERED

September 29, 2021 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

HEALTH FIRST HEALTH	§
PLANS, INC.,	§
	§
Plaintiff.	§
	§
VS.	§ CIVIL ACTION NO. 3:20-cv-
	§ 00226
AMERICAN NATIONAL	§
INSURANCE COMPANY	§
	§
Defendant.	§

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On January 13, 2021, all dispositive pretrial matters and all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A). Dkt. 26. Judge Edison filed a memorandum and recommendation on September 13, 2021, recommending that Defendant American National Insurance Company's Amended Motion to Dismiss (Dkt. 21) be granted. *See* Dkt. 38.

On September 27, 2021, the plaintiff filed its objections to the memorandum and recommendation. *See* Dkt. 39. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or

specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made

by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 38) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant American National Insurance Company's Amended Motion to Dismiss (Dkt. 21) is granted. Health First's claims under Chapters 541 and 542 should are dismissed. Health First's breach-of-contract claim remains.

Signed on Galveston Island this 29th day of September 2021.

JEFFREY VINCENT BROWN

UNITED STATES DISTRICT JUDGE